

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 10398

PERMIT 5967

LICENSE 2923

ORDER ALLOWING CHANGE IN POINT OF DIVERSION AND AMEND THE LICENSE

WHEREAS:

1. License 2923 was issued to U.S. Mendocino National Forest and was filed with the County Recorder of Lake County on March 26, 1948.
2. A petition for change to add to the point of diversion has been filed with the State Water Resources Control Board and said Board has determined that good cause for such change has been shown.
3. The Board has determined that the petitioned changes does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
4. The paragraph pertaining to the containing authority of the Board needs to be updated to conform with Section 780(a), Title 23, California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The points of diversion under this license shall be as follows:
 - (1) North 12° East 1,430 feet from the S $\frac{1}{4}$ corner of Section 3, T16N, R10W, MDB&M, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 3 and also described as North 584,500 and East 1,729,100 California Coordinate System, Zone 2.
 - (2) North 29° East 2,750 feet from the S $\frac{1}{4}$ Corner of Section 3, T16N, R10W, MDB&M, being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 3 and also described as North 585,500 and East 1,730,750 California Coordinate System, Zone 2.
 - (3) North 32° East, 2,750 feet from the S $\frac{1}{4}$ corner of Section 3, T16N, R10W, MDB&M, Being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 3 and also described as North 585,450 and East 1,730,500 California Coordinate System, Zone 2.
2. The continuing authority provision in this license shall be amended to contain Sections 780(a), Title 23, Administrative Code which reads as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the

public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

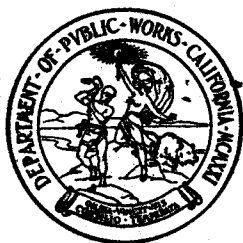
The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: JULY 29 1988

for Lloy Johnson
Walter G. Pettit, Chief
Division of Water Rights

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STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

LICENSE _____

PERMIT _____

APPLICATION _____

THIS IS TO CERTIFY, That

5967

10398

United States-Mendocino National Forest
Willows, California made proof as of

(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the waters of
October 19, 1945

and unnamed spring in Lake County

Middle Creek and Clear Lake

for the purpose of

under Permit

of the Department of Public Works and that said right to the use of said waters has been perfected in accordance with the laws of California, the rules and regulations of the Department of Public Works and the terms of said permit; that the priority of the right herein confirmed dates from

that the amount of water to which such right is entitled and hereby confirmed, for the purpose of said right, is limited to the amount actually beneficially used for said purposes and shall not exceed

one thousand (1000) gallons

per day from January 1 to December 31 of each year.

This license is based on the use of water made during the year 1945 which was the year of maximum use within the three year period immediately preceding the date of inspection.

The point of diversion of such water located

is North twelve degrees East (N12° E) fourteen hundred thirty (1430) feet from the South one-quarter corner of Section 3, T 16 N, R 10 W, M.D.B. & M. being within the NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of the said Section 3.

A description of the lands or the place where such water is put to beneficial use is as follows:

A fire suppression crew camp located within the SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 10, T 16 N, R 10 W, M.D.B. & M.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the State Engineer.

The right to the diversion and use of the water aforesaid hereby confirmed is restricted to the point of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.



Witness my hand and the seal of the Department of Public
Works of the State of California, this 17th
day of March, 19 48

EDWARD HYATT, State Engineer

By A. D. Edmonston
A. D. Edmonston
Assistant State Engineer

LICENSE 2923

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO U.S. Mendocino National

Forest

DATED March 17, 1948